

BEAVERCREEK CITY COUNCIL
REGULAR MEETING November 11, 2019 6:00 p.m.

PRESENTATIONS

- ◆ The Electric Wolves, First Lego League Team

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer;

PLEDGE

Vice Mayor Garcia led the pledge and a prayer.

APPROVAL OF AGENDA

Council Member Curran MOVED to approve the agenda, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-22 PUD 17-4 AMEND 9/19 Rock Drive MOB (Second Reading)
Clerk Miscisin read an Ordinance amending Ordinance #17-30 (PUD 17-4) Rock Drive Development) to add 2.94 acres to the existing 6.4 acres PUD.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-23 Beaver Creek Development Corporation (BDC) Articles of Incorporation (Second Reading)

Clerk Miscisin read an Ordinance authorizing the filing of the Articles of Incorporation of the Beaver Creek Development Corporation, adopting the Articles of Incorporation of the Beaver Creek Development Corporation and approving the designation of the Beaver Creek Development Corporation as the designated development agency for the City of Beaver Creek.

Public Input

Cheryl Keggan, 2086 Red Rock Dr., Beaver Creek, Ohio

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Ms. Keggan said she has read the information regarding this but was confused as to why this was needed when there was already a Planning and Zoning Commission. She asked if they needed this and why did it need to be funded.

Mayor Stone explained that the Beavercreek Development Corporation was a tool the state allows cities to have. He explained when there are aging areas in the community it was felt wise to have all the tools possible in the toolbox so if there was ever a need to do something they would be able to. He said these things take a while to be approved by the state so they were trying to be proactive. He said they may never use it but they will at least have it available.

Ms. Keggan confirmed this would generally enable the City to apply for grants by using this.

Mayor Stone said it would allow grant funding to come into the corporation that could be used for infrastructure improvements. He said it would allow for more options.

Ms. Keggan asked if this required funding from the City and if the board members paid or unpaid. Mayor Stone said there was no pay for the board members. He said the only funding from the city would be for a needed a project and it was best to run it through the corporation or if they received grant funding specifically for a project.

The public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-24 Beavercreek Development Corporation (BDC) Code of Regulations (Second Reading)

Clerk Miscisin read an Ordinance approving and adopting the Code of Regulations of the Beavercreek Development Corporation and approving the designation of the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Resolution 19-66 Necessity and Intent to Appropriate Property (Charles Beaver) for the Dayton-Xenia Road Widening Project

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Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Charles I. Beaver, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beaver Creek, Ohio

Mr. Moorman explained one of the major capital projects planned for next year was the Dayton-Xenia Road Widening Project between East Lynn and Beaverbrook. To build the project they need to acquire additional property rights from 33 individual property owners. He said they had come to agreements with 27 of the 33 property owners. He said there were three of the remaining six on the agenda to request they begin the appropriation process. He said this piece of land was owned by Charles Beaver, who passed away a number of years ago and no one has claimed the property since. He said they had made efforts to locate relatives who may have authority to convey the land but to date, had been unsuccessful. He said with this particular property there was no other choice than to use the appropriation process. He reviewed the location of the property. He said there was two pieces of legislation to begin the process, a Resolution and an Ordinance. He requested the Ordinance be passed as an emergency because of an ODOT deadline.

Council Member Litteral MOVED to approve Resolution 19-66, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-25 Appropriate the Right-of-Way (Charles Beaver) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Charles I. Beaver, for the Dayton-Xenia Road Widening Project, in the City of Beaver Creek, Ohio, and declaring an emergency.

Mr. Moorman said this was the companion legislation for the Resolution.

Council Member Litteral MOVED to approve Ordinance 19-25 as an emergency, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 7-0.

Resolution 19-67 Necessity and Intent to Appropriate Property (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by James Wicker, Jr., and Phillip Wicker with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beaver Creek, Ohio.

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Mr. Moorman said they had some good communication with this property owner however as things progressed the owner has not returned any phone calls or made any contact with the City. He said they had made 22 attempts to contact them with no success. He said they would continue to try to make contact to resolve the situation without going to court. This appropriation was for a permanent take of approximately 954 square feet and a temporary grading easement behind it. He said the appraised value was \$9,599.

Council Member Curran MOVED to approve Resolution 19-67, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-26 Appropriate the Right-of-Way (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by James Wicker, Jr. and Phillip Wicker for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Council Member Vann confirmed they were using the UPSP to get ahold of them and also the telephone. Mr. Moorman replied yes and explained they had sent certified mailings to the owner along with calling them. Council Member Vann asked if the certified mailings had come back. Mr. Moorman said early on there had been some dialogue with the property owner to negotiate a price. He said they reached a point where the owner refused to speak with the City.

Council Member Litteral MOVED to approve Ordinance 19-26 as an emergency, seconded by Council Member Vann. Motion PASSED by a roll call vote of 7-0.

Resolution 19-68 Necessity and Intent to Appropriate Property (Balaji Investments) for the Dayton-Xenia Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Balaji Investments, LLC with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Moorman explained this was the Knollwood Tavern and shopping center property. He said there was an existing highway easement. He said they weren't changing the right-of-way but was purchasing the land that was encumbered by the existing highway easement. He said there was a piece of property on the corner they would be buying that was brand new. He said they had made multiple attempts to contact the property owner with no success of a response to date. He said they would make further attempts to contact them but it was unlikely they would be responding.

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Council Member Curran asked if they had an office in the United States. Mr. Moorman said their main office was in the city of Dayton.

Council Member Vann MOVED to approve Resolution 19-68, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-27 Appropriate the Right-of-Way (Balaji Investments, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by James Wicker, Jr., for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Council Member Curran MOVED to approve Ordinance 19-27 as an emergency, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 19-65 Awarding of Debris Contract

Clerk Miscisin read a Resolution by Beavercreek City Council accepting the bid of Beeghly Tree, LLC, in response to RFP 07-2019 for debris removal services and authorizing the City Manager to enter into a contractual agreement with said contractor to perform the services specified in the "Debris Removal Services Contract," which contract is incorporated herein by reference and is available for public inspection at the city offices for an amount not to exceed the sum of six hundred thousand dollars.

Mr. Landrum said they had been working on the bid process for the two different locations of the clean-up. He said this was originally bid out for July 22nd but FEMA informed there were special things needing to be done for this bid process. He said the FEMA guidelines were very different from anything the City had ever done before. The City rebid the process ensuring to meet all the requirements of FEMA. The city, township and county had reviewed the bids and Beeghly Tree, LLC was the lowest and best bid submitted for the completion of the work.

Mayor Stone asked where the next bid was in comparison. Mr. Landrum said this bid was 44% lower than the original bid in July. He said the reasoning of this was because in July companies were concerned with hurricane season. He said with the current bids, this company was still significantly lower. He said staff member would be monitoring the grinding process at all times. The \$600,000 would be paid by all three entities. The debris piles had been separated by each entity.

Council Member Curran MOVED to approve Resolution 19-65, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

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DECISION ITEMS

Acceptance of Third Quarter Financial Summary

Mr. Kucera reviewed a few details regarding the Financial Summary. He said they have a standing meeting with FEMA every week and information had been submitted for FEMA to look at. He said the next phase would be to submit wage information for FEMA to review.

Council Member Upton questioned 92.3% use for overtime budgeted for the year and his concern for snow events before the end of the year. Mr. Kucera responded they were closely monitoring it as you can't predict the weather. He said they had one or two appropriation opportunities if they need to certify revenue to cover any

Council Member Vann said they may have a check before the end of the year.

Mr. Kucera said they submitted some of the damage to the signals and signs to the insurance company. He said they had already approved \$60,000 more than anticipated.

Council Member Curran asked what the percentage of overtime would be reimbursed. Mr. Kucera said they can apply for regular wages and overtime for public service. He said they could only apply for overtime costs for public safety. He said if approved, FEMA would reimburse 75% and the state would reimburse 12.5% of that. FEMA also said the donated efforts from the other cities that came in and provided equipment and time of their employees could be used towards the match which would increase the percentage.

Council Member Upton MOVED to accept the Third Quarter 2019 Financial Summary, seconded by Council Member Curran. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Litteral thanked the veterans and active duty service members.

Council Member Rushing thanked the veterans and those still serving. He gave his thoughts and prayers with Detective DelRio, the entire Dayton Police Department and all those who serve and put their lives on the line every day. He congratulated Community Engagement Officer Mark Brown for another successful Citizen Police Academy who graduated this past week.

Council Member Vann said she was still extremely concerned that they asked for help for the people in the tornado area. She said they have gone through three or

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four meetings but they've done nothing since July. She gave the example of a serious storm water problem in a neighborhood with erosion, flooding and great impact to that region. A manager calls the project manager to ask for a couple solutions and discuss what they are going to do for this problem. The project manager goes to his laborers who says they haven't heard any complaints about this so we aren't going to do anything. She said this was the same thing that happened to them, as a City Council who are the policy makers, where they asked the City Manager in September, to pay attention to the needs of the people in the tornado area. She said they have done nothing since July. She said in September there was a six zero vote directing the City Manager to provide some options for how they could provide help for people in the tornado area. She said the City Manager wrote back a letter to them that said he had asked a couple people in the city offices if there had been any complaints and they said they hadn't had any complaints so he was not going to give council any reports. She said that was the end of it. She said it was supposed to be discussed at a work session in September and instead of rescheduling it to a time when he could be there, he left it scheduled at that time when he would be out of town so there was no discussion. She said she had provided a list of eight or ten things that probably the City should be doing. She said if you look at the chart, she pointed out things being done by MVPRC and capital improvements and then she pointed out the other things that needed to be addressed. She said they should be helping their citizens engage. She didn't think more than a handful of people had connected with a case manager process because they don't have somebody at city hall that could reinforce or just coach them a little bit saying we don't usually cross county lines but this was a good idea and give them a call. She said there was a lot of donated and grant and other things available if the City would just help their citizens figure out how to connect. She was very frustrated that the City Manager decided this was not going to be discussed and it was really important that this City Manager realizes when a City Council, who are his bosses vote six zero just to have a staff report with several options. She said we didn't say to hire somebody or say this was exactly what we wanted them to do. She said the Council said this was a serious problem, the citizens were in trouble and council wanted somebody a city hall who was paying attention and knows the needs of each lot so the City could advocate for what projects needed to be done in the community. She said the City Manager said they weren't going to do that and wasn't going to give a report.

Mayor Stone said they did get a report.

Council Member Vann said they didn't get a report. She said they got a report that said he asked a couple people in the office if they had gotten any complaints. She was hoping because this was important that something to the effect be included in the minutes and it's a reprimand for his personnel file. She said this was very

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serious when the City Manager doesn't listen to the elected officials who established the policy. She said all they asked him to do was to give them a report so they could discuss it. She said it was snowing, things were happening and there were a lot of problems out there. She said they still were not doing anything more than just having a few little meetings where 25 people show up and there were 500 people that need help or 200 families. There were people who need help and the City should be reaching out. She said they shouldn't be a do nothing City. She said it was very sad that this was where they were at. She wanted a reprimand. She said when the City Council votes six zero for the City Manager to give us something that they could discuss that's more than I asked a couple people and they said nah, we don't feel like it, that's not a good answer.

Council Member Litteral commented that they had a serious situation in the community with the natural disaster. She wanted to comment publically that Mayor Stone had done an excellent job in leading the community and also felt the City Manager had done a fine job. She said any type of discussion for a reprimand was not appropriate at a City Council meeting and should be reserved for an executive session.

Council Member Upton thanked everyone who went to the polls and voted. He said they had heard Council Member Vann ask about this and he didn't know what more could be provided that hadn't been provided. He said the City Manager provided what was directed to him by a six zero vote. He said they've looked at it and had some discussion.

Council Member Vann said all he's said is he wasn't going to give us more information.

Council Member Upton asked Council Member Vann if she didn't see the attachment.

Council Member Vann said they could talk about it a different time.

Council Member Upton addressed Council Member Vann stating you keep saying we're not talking about it and now you want to talk about it another time. He said he felt they had received the information that was requested in the vote. He said he may not had been happy with what was in it but it was provided. He said his position was if they were going to create a new position he would like it to be a position they have needed for more than just the last six months. He said the City has zoning code issues year in and year out. He said they were not providing services to go and check on those codes and was more complaint driven. He said

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they could certainly utilize more staff if they have the dollars but trying to specify it for a one time need and pushing so hard was not appropriate at this time.

Council Member Curran said he enjoyed the Veterans Day event earlier in the day. He said we salute all of the men and women who serve our country.

Vice Mayor Garcia thanked Officer Brown for his work with the Citizens Police Academy. She congratulated the sixth grade Eager Beaver football team on winning their Super Bowl. She also congratulated the girls' high school cross country team who came in first at state.

MAYOR'S REPORT

Mayor Stone said the weather held off until after the Veterans Day event was completed. He said Home2 had their grand opening last week. He said they had a group of visiting Russians who are engineers who talked with different agencies about urban transportation. The Beavercreek Tornado Network and other organizations from the health department had a dinner Sunday which was well attended. He said there were many compliments about the City's response to the tornado. He said he was not going to argue that there weren't people who still have needs. He said that was a whole different issue. He said Council Member Vann did have a good idea to look at possible tornado caused drainage issues or road damage. He said the engineering staff could look into that to determine if priorities need to be adjusted. He said some of the other things they were just not getting the calls for. He said this would be another discussion.

CITY MANAGERS REPORT

Mr. Landrum said Veterans Day was a great event. He reviewed winter driving safety tips when driving near snow plows. He reviewed the upcoming Council meeting dates. He addressed the responses to the comments regarding the new logo. He said at the October 28th Council meeting, Council approved by motion the new logo. He said no principle officers of Schlegel Creative Resources are in any way related to members of Council. The amount paid to Schlegel Creative Resources in 2018 was \$2,100 and to date in 2019 was \$4,375 with an estimated amount still due of \$4,875. He said it was originally budgeted for \$5,000 for a refresh of the logo but the project evolved into more changes. He said when Fairborn updated their logo they spent in excess of \$20,000 for the redesign. The budgeted amount for a rebrand of the City's website is zero due to a free update. The budgeted amount for the City's outdoor signs is zero. He said the budgeted amount for vehicle sign updates is zero. The logo will only be updated on new or replacement vehicles as needed. He said most changed are digital and the City will not be replacement monument signs. He said there was a statement that the City Manager was working behind the scenes and allegations of illegal or hidden

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action. The City Manager works behind the scenes on nearly everything he does. For this project he worked behind the scenes to coordinate with the committee, the vendor and staff until such time various changes and versions were completed and the committee was ready to recommend the final product. He was asked why high school students, Wright State students or residents were not used for the project. He responded they were not used because of strong opinions that usually come about with any change. He said the logo has never used black and orange or a brown beaver.

CITIZEN COMMENTS

Cheryl Keggan, 2086 Red Rock Dr., Beavercreek, Ohio

Ms. Keggan thanked Mr. Landrum for the statements. She said there was a very strong negative feeling against the proposed logo. She said almost every citizen she had spoken to said they were extremely disappointed and find it appalling. Her friend who was a graphic artist said it was the worst bungled beaver she had ever seen in her life. She said they were almost speechless because it's so bad. She said the color scheme looks like a Tide pod. She said the logo that has been chosen is not accepted by the majority of the citizens of this community. She said there was no widespread openness about the change of what it might look like or what people might like. She said the fact that yes there was a distinct problem of the variety of the current logo was an issue. She said the solution to that was pick one. She said no one had ever objected to any of the current variations being used. She could give you a couple hundred people right now who object to the green and blue logo. Nobody objects to any of the old ones, just pick one. She said that's very simple and you could have saved \$11,000. She said it was ridiculous to not put it in the InTouch or mention it on Twitter or Facebook. She said you did it without citizen wide input in this community. She does not want to see the green and blue blob anywhere in the city. She had hundreds of friends who think the same way. She said if they have to take up a referendum petition to do it, they will do so.

Jenny Beaver, 2384 Kewanna Lane, Beavercreek, Ohio

Ms. Beaver said she was not aware of the logo change until this evening at the meeting. She said she works in the branding industry and did not object to the new branding. She said it may be worthy of a little tweaking but did not object to the coloration or the styling of the beaver.

Citizen Comments was closed.

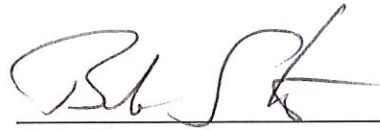
ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:10 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

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Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin111119